

ARTICLE VI

Section 15. SUPPLEMENTARY REGULATIONS.

A. **General Provisions.** Except as otherwise provided herein, general provisions set forth in this Section 15 shall apply to land use and development in the Town of Fabius.

1. Conformance. No land or building shall hereafter be used or occupied, and no building shall hereafter be altered, or its use changed, unless such action is in conformance with the regulations specified in this Law for the Zoning District in which such action occurs.

2. Lot in Two (2) Districts. When a lot is divided by a District boundary line, the regulations and requirements of either District may be extended for a distance of fifty (50) feet into the other District, at the lot-owner's discretion.

3. Two (2) Uses in One (1) Structure. If a residential and a non-residential use are to be located in one structure, the applicable lot area, frontage and yard setback requirements for the ground-floor use that faces the road frontage of the property shall apply.

4. Undersized Lots. An existing small lot that does not meet the requirements of this Law at the time it is enacted may be used for any permitted use in the District in which it is located if existing Health Department and other permit requirements can be met.

5. Drainage Ways. Natural drainage ways shall be preserved and shall be kept free of debris or other obstructions to water flow. Where relocation of a natural drainage way cannot be avoided, it must be relocated in a way that will assure the unobstructed flow of storm water.

6. Flood Plains. No structure, facility or land fill shall be erected or place that would impede or change the direction of the flow of water in a designated flood plain area, or that could catch or collect floating debris, or be placed in such a way that the natural force of flood water could carry dislodged material downstream to damage public or private property.

7. Wetlands. Notwithstanding any other provisions of this Law, and particularly **Schedule I** hereof, to the contrary, construction or any other development on any land in the Town of Fabius designated as a wetland pursuant to Article 24 of the State Environmental Conservation Law, shall be in accordance with provisions of the said Article 24 and other applicable state and federal wetland requirements.

8. Excavations or Deposits. Excavation for basements and foundations as well as necessary filling and grading, including removal or deposit of topsoil, gravel or rock, shall be a permitted activity on any lot as part of a legal building permit for construction. Removal of topsoil, sand, gravel or rock for other purposes is not permitted.

9. Height Limitations. The height limitations of this Law shall not apply to buildings used for agricultural purposes, church spires, chimneys, flag poles, antennas, utility lines and similar structures unless such structures are specifically controlled by the Special Conditions or Special Use Permit provisions of this Law.

10. SEQR Requirements. No discretionary action required by this Law shall be taken until there has been compliance with applicable provisions of 6 NYCRR Part 617 and an environmental determination of significance has been made by the lead agency.

B. Site Plan Review.

1. Purpose. The purpose of this Section 15B is to provide for Planning Board review of site plans for certain uses as indicated in **Schedule I** of this Law. Such review is aimed at:

(a) Conserving property values and visual quality as development and change occurs.

(b) Assuring that the development of individual parcels of land does not have a significant adverse impact on adjacent properties or the surrounding neighborhood.

(c) Mitigating potentially negative impacts resulting from development of environmentally sensitive features or areas.

2. Standards for Site Plan Review. Review of a site plan will be guided by existing characteristics and conditions of the site and its surroundings and by particular design objectives, if any, of the applicant. Unless waived or modified by the Planning Board, each site plan for a proposed use requiring site plan approval shall conform to the following general standards:

(a) Storm Water Drainage and Erosion Control. Natural drainage ways shall be used to the fullest extent practicable and the amount of storm water drainage onto, or across, adjacent properties shall not be significantly changed. Development on soils that may erode shall include a sediment and erosion-control plan.

(b) Water and Sewer Facilities. The type and design of any proposed water supply and sewage disposal system shall be approved by appropriate jurisdictions.

(c) Site Lighting. Lighting to be used on a site or the exterior of a building shall be installed so as to minimize glare on adjacent properties and roads.

(d) Off-Site Impacts. Potential off-site impacts such as noise, odor, vibration or traffic shall be identified and measures to mitigate adverse impacts shall be considered.

(e) Landscaping. Adequacy, type and location of trees, shrubs and other landscaping proposed as a visual or sound buffer between the proposed use and adjoining properties or roads shall be assessed and modified as appropriate.

3. Requirements for Site Plan Review. Each request for site plan review shall be submitted to the Planning Board on forms provided by the Building and Zoning Officer. The site plan shall contain the following information, as determined appropriate by the Zoning Officer:

(a) An identification map showing the location and orientation of the proposed development relative to the local road system. A tax map or USGS map is adequate for this purpose.

(b) Gross acreage of the parcel to be developed.

(c) Existing property lines, rights-of-way and names of adjacent property owners including on the opposite side of existing roads serving the site. Tax records are suitable for this.

(d) Indication of existing topography and drainage systems and any significant changes to be made thereto as part of the proposed development.

(e) The location of any designated wetlands and flood plains.

(f) Proposed buildings or land uses, off-street parking areas, access and egress drives, buffer strips (see definitions) or landscape screening proposed; the general location and type of proposed site lighting and any signs to be installed.

(g) Proposed water source and location of any sewage disposal system.

(h) A landscape plan, if any.

Any of the above application requirements may, on the applicant's request, be waived by the Planning Board if circumstances warrant. Also, the Board may request the

applicant to provide additional information when this is needed to make an informed judgment about the proposal.

4. Procedure for Site Plan Review. An applicant for site plan review shall be processed by the following procedure:

(a) Decision. The Planning Board shall make a decision on the application within sixty-two (62) days after the application has been received by the Building and Zoning Officer. The time limit for decision may be extended by mutual consent.

(b) Referrals. At least fifteen (15) days before a decision is made by the Planning Board, appropriate notice shall be mailed to the Onondaga County Planning Agency as required by Section 239-m of the General Municipal Law.

(c) SEQR. Applicable requirements of 6 NYCRR Part 617 shall be followed prior to a decision on application for site plan review.

(d) Conditions. In approving an application for site plan approval, the Planning Board may impose reasonable conditions and restrictions as directly related to the proposed site plan. Any such conditions must be met before a Certificate of Occupancy is issued by the Building and Zoning Officer.

C. **Special Conditions.**

1. Purpose. The purpose of imposing one or more conditions on an application for a building or land use permit is to balance the applicant's interest in developing the land and the Town's interest on minimizing foreseeable adverse impacts of development.

2. Applicability. No building or land use permit shall be issued for any activity listed in **Schedule I** of this Law as having Special Conditions applicable thereto ("SC") until the Building and Zoning Officer is satisfied that applicable conditions, as specified in this Section, have been met.

3. Dwelling, Multiple Family in R-1, R-2 and C-1 Districts.
Permitted when:

(a) A site plan has been approved in accordance with applicable provisions of Section 15B.

4. Dwelling, Double-Wide Manufactured Home. Permitted when:

(a) Such homes are HUD approved and certified and no older than four (4) model years when placed on a lot.

(b) Such homes are placed on a full-perimeter concrete block foundation or equivalent.

5. Mobile Home in A-1, A-2, R-1 and R-2 Districts. Permitted when:

(a) Such mobile home is used as a dwelling by employees of an active farm operation.

(b) Such mobile home is being occupied while a permanent home is being built or restored, for which work a building permit has been issued. In such case, the mobile home shall be removed within six (6) months of the issuance of a Certificate of Occupancy for the construction.

6. Roadside Stand in A-1, A-2, R-1, R-2 and C-1 Districts. Permitted when:

(a) No stand or structure of any kind, or part thereof, shall be located or permitted within the right-of-way limits of any public road or highway.

(b) Adequate parking can be provided and located so that vehicles do not have to back onto any adjacent road or highway.

7. Agricultural, Industrial or Educational Research in I-1 District. Permitted when:

(a) A site plan has been approved in accordance with applicable provisions of Section 15B.

8. Home Occupation or Business in All Districts. Permitted when:

(a) The use is located in a dwelling inhabited by the dwelling owner.

(b) All activity related to such home occupation or business is conducted inside the dwelling.

(c) The business is operated by its owner and not more than three (3) persons who do not live in the dwelling.

(d) The need for off-street parking can be satisfied by no more than four (4) off-street parking spaces in addition to those required by the residence.

(e) The general appearance of the building and lot is compatible with the surrounding neighborhood, except that one (1) unlighted sign no larger than 12 square feet in area may be provided.

(f) The applicant demonstrates that no offensive noise, odor, smoke, dust, heat, glare or electrical disturbance will normally be produced by such business.

9. Garage, Filling Station in C-1 District. Permitted when:

(a) A site plan has been approved in accordance with applicable provisions of Section 15B.

(b) No repair work is performed outside the building and no inoperable or unlicensed vehicles are stored outside the building.

(c) All pumps are located at least twenty (20) feet from any property line.

10. Commercial Self-Storage Facility in A-2, C-1 and I-1 Districts. Permitted when:

(a) A site plan has been approved in accordance with applicable provisions of Section 15B.

(b) A screen of trees and other landscaping is provided along the front lot line and in other locations as determined appropriate by the Planning Board.

11. Commercial Stable in A-1 and A-2 Districts. Permitted when:

(a) The minimum lot area for such use is five (5) acres.

(b) Structures used for the stabling of horses are located no closer than 200 feet from the property line of an existing non-farm dwelling.

(c) No outdoor storage of manure and bedding material is located less than 200 feet from the property line of an existing non-farm dwelling.

12. Kennel; Animal Boarding in A-1 and R-1 Districts. Permitted when:

(a) In A-1 Districts, such facility is located on a lot that is at least five (5) acres in area and designed so that outdoor pens and exercise runs are located at least 150 feet from the property line of an existing non-farm residence.

(b) In R-1 Districts, no outdoor pens or exercise runs are provided.

13. Car Wash in C-1 and I-1 Districts. Permitted when:

(a) A site plan has been approved in accordance with applicable provisions of Section 15B.

(b) Provisions for disposal of wash water is approved by appropriate jurisdiction.

14. Wind, Solar and Similar Alternative Energy Sources in A-1 and A-2 Districts. Permitted when:

(a) Energy produced by such a source is not generated primarily to be used for commercial purposes.

(b) Any structure required by such alternative energy source does not rise more than 60 feet above the surrounding land.

(c) No such energy source is located less than 200 feet from any adjacent residential property.

(d) Approval from the Town Board has been obtained.

15. Sign in A-1, A-2, C-1 and I-1 Districts (see Section 2, Definitions). Permitted when:

(a) Such sign shall have a direct relationship to the activity or ownership of the property on which it is located.

(b) Such sign, whether freestanding or affixed to a building, does not exceed an area of 32 square feet and a height of 12 feet unless affixed to a building, and is located no less than 25 feet from any property line.

(c) If illuminated, such lighting shall not use neon-illumination, shall be non-flashing and shall not shine on adjacent property or roadways.

16. Storage of No More than One (1) Wrecked or Inoperable Vehicles in All Districts (see Definitions). Permitted when:

(a) Such vehicle is located and/or screened so as not to be visible from any public roadway.

D. **Special Use Permit.**

1. Purpose. The purpose of this Section 15D is to set forth supplemental regulations, procedures and conditions that shall apply to certain land uses specified in **Schedule I** as permitted only upon approval of a Special use Permit (SP). No building permit for such land uses shall be issued until the Building and Zoning Officer is satisfied that conditions and requirements set forth in this Section 15D have been complied with or that such conditions and requirements have been waived by the Planning Board or that a variance has been duly granted by the Board of Appeals in accordance with the provisions of Section 274-b.3 of Town Law.

2. General Requirements. Authorization for any Special Use Permit shall be obtained from the Town Planning Board and shall be conditioned on provision of adequate safeguards to protect the health, safety and general welfare of the public and to mitigate foreseeable detrimental effects on the land value and existing character of property in the surrounding area. To this end, before a Special Use Permit can be authorized, the Planning Board shall determine, after a duly advertised public hearing, whether the following general requirements will be met, as well as any Specific Requirements that are set forth in Section D3. General requirements and findings applicable to all applications for a Special Use Permit are:

(a) That the land use or activity as proposed is generally compatible with other property in the surrounding neighborhood and will not cause substantial injury to the value of such property.

(b) That the land use or activity as proposed will not result in excessive uncontrolled erosion and will not increase the volume or velocity of runoff onto abutting property.

(c) That adequate off-street parking and loading is provided and ingress and egress drives are so designed and located as to cause minimal interference with traffic on abutting roads.

(d) That glare, noise, vibration or electronic disturbance identified as emanating from the proposed development can be mitigated.

(e) That a site plan has been submitted and approved in accordance with applicable provisions of Section 15.3 unless waived by the Planning Board.

3. Specific Requirements. In addition to the General Requirements set forth in Section D(2) above, the following Specific Requirements are applicable to certain land uses that require a Special Use Permit:

(a) Dwelling, Two-Family or Conversion of an of an Existing Dwelling into Two (2) Dwellings in A-1 and A-2 Districts. Requirements:

1. Occupancy of such converted dwellings shall be restricted to farm workers and their families.

(b) Agricultural, Industrial or Educational Research in A-1 and A-2 Districts. Requirements:

1. No more than 30% of the lot shall be covered by structures and parking.
2. Buildings and parking areas are no closer than 50 feet from any property line.
3. Site lighting will not produce glare onto adjacent property or roads.

(c) Church, Parish House, Place of Worship in A-1, R-1 and R-2 Districts. Requirements:

1. Such use is registered with the State of New York.
2. In the A-1 District no parking area is located less than 50 feet from any property line.
3. Landscaping is provided around buildings and parking areas.

(d) Convalescent Home in R-1 District. Requirements:

1. Such facility must be licensed by the State of New York.
2. No principal building shall be located less than 50 feet from any lot line of an adjacent lot.
3. Site lighting will not produce glare on adjacent property or roads.
4. Landscaping is provided in accordance with conditions of site plan approval.

(e) Bed and Breakfast in A-1, A-2, R-1, R-2 and C-1 Districts. Requirements:

1. Off-street parking areas are not located in front yards and are no less than 20 feet from the property lien of an existing residence.

2. Access driveways intersect public roads at approximately ninety degrees and no driveway is located less than 50 feet from the intersection of two (2) public road right-of-way lines.

3. Landscaping is provided in accordance with conditions of site plan approval.

Requirements: (f) Convenience (Mini) Mart in R-2, C-1 and I-1 Districts.

1. No buildings or pump islands are located less than 50 feet from the property line of an existing residence.

2. Lighting of buildings and the site is designed and installed to prevent glare on adjacent lots and roads.

3. No paved area is less than 5 feet from any lot line.

4. Landscaping is provided in accordance with conditions of site plan approval.